

# **REPORT OF THE COMMITTEE ON PUBLIC HEALTH, SAFETY & WELFARE**

Donovan M. Dela Cruz, Chair; Nestor R. Garcia, Vice-Chair  
Todd K. Apo, Romy M. Cachola, Charles K. Djou, Members

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Committee Meeting Held  
January 9, 2007

Honorable Barbara Marshall  
Chair, City Council  
City and County of Honolulu

Madam Chair:

Your Committee on Public Health, Safety & Welfare, which considered Bill 87 (2006) entitled:

"A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE 1, SECTION 10-1.2, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO PARK RULES AND REGULATIONS,"

transmitted by Communication D-0980, dated November 30, 2006 from the Department of Parks and Recreation, and which passed first reading at the December 13, 2006 Council meeting, reports as follows:

The purpose of the Bill is to make it unlawful for any person to fail to comply with signs and notices posted in public parks or any order or directive given by any park employee or Water Safety Officer in the course of performing their assigned duties.

Your Committee heard testimony supporting the Bill from representatives of the Honolulu Police Department, Department of Parks and Recreation and Emergency Services Department. Public testimony opposing the measure was also heard and received.

Committee members expressed concern that the Bill was overly broad and sought Corporation Counsel's assistance to tighten language and provisions within the bill. Corporation Counsel was also requested to report back to committee on penalties and liabilities on proposed legislation and provide a definition of "lawful" as proposed in Committee Draft after the Public Hearing meeting.

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON \_\_\_\_\_

COMMITTEE REPORT NO. 7

**REPORT OF THE  
COMMITTEE ON PUBLIC HEALTH, SAFETY & WELFARE**

Donovan M. Dela Cruz, Chair; Nestor R. Garcia, Vice-Chair  
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Your Committee amended the Bill to correct typographical and clerical errors in the Bill. The Bill was further amended at the suggestion of the Deputy Corporation Counsel to add the word "lawful" to Section 10-2.1(a) (14) (B) to read, "Any lawful order or directive ...duties."

Your Committee on Public Health, Safety & Welfare is in accord with the intent and purpose of Bill 87 (2006), as amended herein, and recommends that it pass second reading, be scheduled for a public hearing and be referred back to Committee in the form attached hereto as Bill 87 (2006), CD1. (Ayes: Dela Cruz, Apo, Cachola, Djou, Garcia – 5; Noes: None.)

Respectfully submitted,

  
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Committee Chair

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON JAN 24 2007

COMMITTEE REPORT NO. 7



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**A BILL FOR AN ORDINANCE**

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TO AMEND CHAPTER 10, ARTICLE 1, SECTION 10-1.2, REVISED ORDINANCES OF HONOLULU, 1990, AS AMENDED, RELATING TO PARK RULES AND REGULATIONS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to make it unlawful for any person to fail to comply with signs and notices posted in public parks or any order or directive given by any park employee or water safety officer in the course of performing the employee's or officer's assigned duties.

SECTION 2. Section 10-1.2, Revised Ordinances of Honolulu 1990, as amended ("Park rules and regulations"), is hereby amended by amending subsection (a) to read as follows:

"(a) Within the limits of any public park, it is unlawful for any person to:

- (1) Wilfully or intentionally destroy, damage or injure any property;
- (2) Climb onto any tree, except those designated for climbing, or to climb onto any wall, fence, shelter, building, statue, monument or other structure, excluding play apparatus;
- (3) Swim, bathe, wade in or pollute the water of any ornamental pool or fountain;
- (4) Kindle, build, maintain or use any fire, other than in a grill or brazier;
- (5) Annoy, molest, kill, wound, chase, shoot or throw missiles at any animal or bird;
- (6) Distribute, post or place any commercial handbill or circular, notice or other advertising device or matter, except as permitted by the terms of any agreement relating to the use of park property;
- (7) Use any surfboard or devices or materials with jagged or rough ends and edges, which are dangerous to surfers, swimmers or bathers;
- (8) Construct or fabricate surfboards;



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A BILL FOR AN ORDINANCE

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- (9) Permit any animal to enter and remain within the confines of any public park area except as otherwise provided in this article;
- (10) Feed any animal or bird when signs are posted prohibiting such feeding;
- (11) Wash, polish or repair cars or other vehicles;
- (12) Enter or remain in any public park during the night hours that the park is closed, provided that signs are posted indicating the hours that the park is closed;
- (13) Camp at any park not designated as a campground[.];
- (14) Fail to comply with:
  - (A) Any sign or notice posted by the city; or
  - (B) Any lawful order or directive given by any park employee or water safety officer in the performance of the employee's or officer's assigned duties."

SECTION 3. Ordinance material to be repeated is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL **87 (2006), CD1**

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**A BILL FOR AN ORDINANCE**

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SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Donovan Dela Cruz (BR)

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DATE OF INTRODUCTION:

December 6, 2006  
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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MUFI HANNEMANN, Mayor  
City and County of Honolulu

(OCS/010907/ct)